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**DISCOVERY**

*Attorneys for Defendant*  
**CITY OF LOS ANGELES**

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

11	J.L.D., a minor, individually, and as	)	CASE NO.: CV11-03141SVW(MANx)
12	Successor in Interest to REGINALD	)	Case filed: April 28, 2011
13	DOUCET, JR, deceased, by and through	)	
14	her Guardian Ad Litem, SHENAIHA K.	)	Assigned to Trial Judge: Hon. Stephen V. Wilson
15	DRAPER,	)	Courtroom: 6, 312 N. Spring Street
16		)	
17	<i>Plaintiff,</i>	)	Assigned to Magistrate: Hon. Margaret A. Nagle
18		)	Courtroom: 580, Edward R. Roybal Federal Bldg.
19		)	
20	vs.	)	<b>PROTECTIVE ORDER ENTERED</b>
21		)	<b>PURSUANT TO THE PARTIES'</b>
22		)	<b>STIPULATION</b>
23	CITY OF LOS ANGELES, and DOES 1	)	
24	through 10, inclusive,	)	
25		)	
26	<i>Defendants</i>	)	
27		)	
28		)	

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure and based on the parties' Stipulation and [Proposed] Protective Order ("Stipulation") filed on August 10, 2011, the terms of the protective order to which the parties have agreed are adopted as a protective order of this Court (which generally shall govern the pretrial phase of this action) except to the extent, as set forth below, that those terms have been substantively modified by the Court's amendment of Paragraphs 5, 6, 7, and 8 of the Stipulation.

The parties are expressly cautioned that the designation of any information,

1 document, or thing as “Confidential,” “Confidential Documents,” “Confidential  
2 Material,” “Subject to Protective Order,” or words of similar effect (hereinafter,  
3 collectively “Confidential Information”) does not, in and of itself, create any entitlement  
4 to file such information, document, or thing, in whole or in part, under seal. Accordingly,  
5 reference to this Protective Order or to the parties’ designation of any information,  
6 document, or thing as “Confidential Information” is wholly insufficient to warrant a  
7 filing under seal.

8       There is a strong presumption that the public has a right of access to judicial  
9 proceedings and records in civil cases. In connection with non-dispositive motions, good  
10 cause must be shown to support a filing under seal. The parties’ mere designation of any  
11 information, document, or thing as “Confidential Information” does not -- **without the**  
12 **submission of competent evidence, in the form of a declaration or declarations,**  
13 **establishing that the material sought to be filed under seal qualifies as confidential,**  
14 **privileged, or otherwise protectable** -- constitute good cause.

15       Further, if sealing is requested in connection with a dispositive motion or trial, then  
16 compelling reasons, as opposed to good cause, for the sealing must be shown, and the  
17 relief sought shall be narrowly tailored to serve the specific interest to be protected. *See*  
18 Pintos v. Pacific Creditors Ass’n, 605 F.3d 665, 677-79 (9th Cir. 2010). For each item or  
19 type of information, document, or thing sought to be filed or introduced under seal in  
20 connection with a dispositive motion or trial, the party seeking protection must articulate  
21 compelling reasons, supported by specific facts and legal justification, for the requested  
22 sealing order. **Again, competent evidence supporting the application to file**  
23 **documents under seal must be provided by declaration.**

24       Any document that is not confidential, privileged, or otherwise protectable in its  
25 entirety will not be filed under seal if the confidential portions can be redacted. If  
26 documents can be redacted, then a redacted version for public viewing, omitting only the  
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1 confidential, privileged, or otherwise protectable portions of the document, shall be filed.  
2 Any application that seeks to file documents under seal in their entirety should include an  
3 explanation of why redaction is not feasible.

4 Notwithstanding any other provision of this Protective Order, in the event that this  
5 case proceeds to trial, all information, documents, and things discussed or introduced into  
6 evidence at trial will become public and available to all members of the public, including  
7 the press, unless sufficient cause is shown in advance of trial to proceed otherwise.

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9 TERMS OF PROTECTIVE ORDER

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11 THE PARTIES HAVING STIPULATED TO THE FOLLOWING, this Court  
12 hereby orders as follows:

13 1. The parties may designate as confidential the following:

14 [A] Any and all completed portions of LAPD Force Investigation  
15 Division's Report No. F003-11;

16 [B] All compelled statements, whether written or recorded, of all  
17 involved police officers, city employees, and civilian witnesses;

18 [C] Any and all photographs, audio or digital video recordings of any  
19 evidence related to the underlying event in this case which were taken by or at the  
20 discretion of any employee of the City of Los Angeles; all of which Defendants believe  
21 might contain information of a privileged, confidential, private or sensitive nature, by  
22 affixing to such document or writing a legend, such as "Confidential." "Confidential  
23 Documents," "Confidential Material," "Subject to Protective Order," or words of similar  
24 effect. This category of documents and writings so designated, and all information  
25 derived therefrom (hereinafter, collectively, "Confidential Information"), shall be treated  
26 in accordance with the terms of this Protective Order.

2. Confidential Information may be used by the persons receiving such information only for the purpose of this litigation.

3. Subject to further conditions imposed by this Protective Order, Confidential Information may be disclosed only to the following persons:

(a) Counsel for the parties and to experts, investigators, paralegal assistants, office clerks, secretaries and other such personnel working under their supervision; and

(b) Such other parties as may be agreed by written stipulation between and among the parties hereto.

4. Prior to the disclosure of any Confidential Information to any person described in paragraph 3(a) or 3(b), counsel for the party that has received and seeks to use or disclose such Confidential Information shall first provide any such person with a copy of this Protective Order, and shall cause him or her to execute, on a second copy which counsel shall thereafter serve on the other party, the following acknowledgment:

“I understand that I am being given access to Confidential Information pursuant to the foregoing Protective Order.

I have read the Protective Order and agree to be bound by its terms with respect to the handling, use and disclosure of such Confidential Information.

Dated: \_\_\_\_\_ /s/ \_\_\_\_\_ ”

5. Upon the final termination of this litigation, including any appeal pertaining thereto, all Confidential Information and all copies thereof, **except Confidential Information filed in this case or otherwise submitted to the Court**, shall be returned to the Defendants. All Confidential Information disclosed to any person or party, **other than the Court**, pursuant to any provision hereof also shall be returned to the Defendants.

1           6.     If any party who receives Confidential Information receives a  
2 subpoena or other request seeking Confidential Information, he, she or it shall  
3 immediately give written notice to the Defendants' counsel, identifying the Confidential  
4 Information sought and the time in which production or other disclosure is required, and  
5 shall object to the request or subpoena on the grounds of this Protective Order, so as to  
6 afford the Defendants an opportunity to obtain an order barring production or other  
7 disclosure, or to otherwise respond to the subpoena or other request for production or  
8 disclosure of Confidential Material. Other than objecting on the grounds of this  
9 Protective Order, no party shall be obligated to seek an order barring production of  
10 Confidential Information, which obligation shall be borne by the Defendants. However,  
11 in no event should production or disclosure be made without written notice to  
12 Defendants' counsel unless required by court order after serving written notice to  
13 defendants' counsel. **Nothing in these provisions should be construed as authorizing  
14 or encouraging a party to disobey a lawful directive from another court.**

15           7.     **Any party who or which seeks to file** any pleadings, motions, briefs,  
16 declarations, stipulations, exhibits, or other written submissions with the Court in this  
17 litigation which **constitute**, contain, reflect, incorporate, or refer to Confidential  
18 Information shall **apply, pursuant to Local Rule 79-5, to have such Confidential  
19 Information** filed and maintained under seal. If the Court approves the application to  
20 file the documents under seal, the original and judge's copy of the document shall be  
21 sealed in separate envelopes with a title page affixed to the outside of each envelope. No  
22 sealed or confidential record of the Court maintained by the Clerk shall be disclosed  
23 except upon written order of the Court.

24           8.     **If Confidential Information is to be introduced, discussed, or  
25 disclosed in any proceeding before the Court, counsel shall endeavor, as promptly as  
26 possible, to secure an appropriate Court order to avoid an unwarranted and unduly**  
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1 **broad disclosure or dissemination of such Confidential Information.**

2 9. Nothing herein shall prejudice any party's rights to object to the  
3 introduction of any Confidential Information into evidence, on grounds including, but not  
4 limited to, relevance and privilege.

5 10. This Protective Order survives settlement, trial and/or appeal.

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7 **IT IS SO ORDERED.**

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9 DATED: August 30, 2011

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MARGARET A. NAGLE  
12 UNITED STATES MAGISTRATE JUDGE  
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